

Policy Influence Around Disaster Risk Management Act 2023 in Malawi.

Malawi has been experiencing an increase in the frequency and intensity of disasters because of climate change, population growth, urbanization, and environmental degradation. These disasters disrupt people's livelihoods, threaten human and food security, damage infrastructure and hinder socio-economic growth and development. Disasters also amplify the poverty among rural and urban households, diminishing the capacity of communities and the nation alleviate poverty.

Housing is one of the most affected sectors, when disasters strike. Severe weather events, such as strong winds, cyclones, storms, and mudslides, exacerbates the housing deficit in the country. In 2023, Tropical Cyclone Freddy affected 2,267,458 people¹, displacing 659,278² individuals and damaging 276,212 homes, of which 127,185 were completely destroyed and 149,027 partially destroyed³. Similarly, in 2022, Tropical Storm Ana and Cyclone Gombe resulted in the displacement of 22,364⁴ and 11,008 households, respectively⁵. In 2019, Cyclone Idai affected over 975,000 people displacing 86,976 people and damaging 288,371 houses in several affected districts in Malawi⁶.

To address the extensive damage and loss resulting from the effects of these disasters, the post-disaster needs assessments (PDNA) estimated that Malawi required \$233.5 million and \$220.2 million⁷, respectively, for recovery and reconstruction. at the housing sector alone suffered US\$ 106.6 million⁸ in damages from Cyclone Idai, with recovery and reconstruction costs from Cyclone Freddy valued at around \$192.49 million⁹. Despite this reality, coordinated efforts to tackle housing challenges in disaster contexts is lacking in Malawi.

Disasters have further contributed to Malawi's significant housing deficit, where over half of the 4.8 million housing units are substandard, often constructed with mud walls and grass-thatched roofs¹⁰. To meet the current demand, an estimated 21,000 new housing units need to be constructed annually over the next decade¹¹. The housing deficits in the

¹ Malawi 2023 Tropical Cyclone Freddy Post-Disaster Needs Assessment Report, Government of Malawi, April 2023, p. v, xii, 11.

² Malawi 2023 Tropical Cyclone Freddy Post-Disaster Needs Assessment Report, Government of Malawi, April 2023, p. v, xii, 11.

³ Malawi 2023 Tropical Cyclone Freddy Post-Disaster Needs Assessment Report, Government of Malawi, April 2023, p. 25.

⁴ Consolidated Preliminary Report on the impact of moderate Tropical Storm Ana, 2022, Department of Disaster Management Affairs, p. 7.

⁵ Consolidated Preliminary Report on the impact of moderate Tropical Storm Ana, 2022, Department of Disaster Management Affairs, p. 7.

⁶ Malawi 2019 Floods Post Disaster Needs Assessment Report, Malawi Government, p. viii, 5

⁷ Malawi 2023 Tropical Cyclone Freddy Post-Disaster Needs Assessment Report; April 2023; Malawi 2019 Floods Post Disaster Needs Assessment Report

⁸ Malawi 2019 Floods Post Disaster Needs Assessment Report

⁹ Malawi 2023 Tropical Cyclone Freddy Post-Disaster Needs Assessment Report, Government of Malawi, April 2023, p. 62.

¹⁰ 2018 Malawi Population and Housing Census, Main Report, National Statistics Office, 2019, p. 32.

¹¹ Malawi Urban Housing Sector Profile, UN Habitat, 2010, p. 33, 35.

country are observed in the mushrooming of the informal settlements. Urban areas face challenges such as slum-like conditions lacking access to clean water, sanitation facilities, electricity, and adequate road networks. Currently, approximately 8.7% of Malawi's population (1.7 million people) live in informal settlements¹².

The devastation caused by Cyclone Freddy in February 2023, particularly on housing, provided the final impetus for urgent legal reforms in disaster management in Malawi. The Disaster Risk Management Bill 2023 was enacted in April 2023 and assented into law in July 2023. Key features of the DRM Act include:

Key features of the new DRM Act of 2023

- Establishes a National Disaster Risk Management Committee (National Committee) responsible for leadership in DRM strategy development, coordination and implementation.
- Forms a National Disaster Risk Management Technical Committee responsible for technical support to the National Committee and the Commissioner for DRM.
- Establishes the Office of the Commissioner for DRM, which is responsible for the development, coordination and implementation of DRM strategies and interventions.
- Provides the Department of Disaster Managements Affairs (DoDMA) with a mandate and guidelines to establish local government structures for DRM coordination and implementation.
- Ensures disaster preparedness through measures, including, the development of multi-hazard contingency plans, maintenance of disaster risk management information systems and integrated multi-hazard early warning systems.
- Establishes a procedure for declaring disaster prone areas as high-risk areas for the purposes of DRM and the resettlement of persons occupying those areas.
- Provides for the declaration of a state of disaster and the measures to be taken upon such a declaration.
- Institutes a mechanism to appeal for international relief assistance and regulation of the operation of assisting international actors.
- Stipulates the establishment of the Disaster Risk Management Trust Fund to serve as a repository of funds intended for use in DRM.

¹² Habitat for Humanity, Home Equals Campaign

The DRM Act repealed the Disaster Preparedness and Relief Act of 1991. The table below highlights some of its weaknesses, which necessitated its repeal and replacement with the DRM Act.

Shortfalls of the Disaster Preparedness and Relief Act of 1991
<ul style="list-style-type: none">• It was not aligned to the current thinking around disaster risk management where the structures and mechanism for emergency response and readiness focus on disasters events not disaster risks. The Act only provided for response measures once disasters occurred. It failed to provide for the allocation and appropriate resources to implement risk management at all administrative levels of government.• The Act failed to make adequate provision for multi-stakeholders' participation in disaster risk management activities.• The Act lacked a robust institutional framework for integrating disaster reduction into sustainable development.• The Act had inadequate mechanisms for the systematic coordination of disaster risk management activities. The Act did not make reference to cooperation with regional/international actors.

Habitat for Humanity Malawi (HFH Malawi), in partnership with the Civil Society Network on Climate Change (CISONECC) and other Civil Society Organizations (CSOs) advocated for the enactment of the DRM Bill through the [Home Equals Campaign](#). Recognizing the impact of frequent disasters on housing and the urgent need for improved disaster risk management systems, Habitat Malawi was compelled to advocate for the enactment of the Disaster Risk Management (DRM) Act. This legislation aims to ensure that every family has access to safe and decent housing, even in the face of disasters. Habitat for Humanity Malawi worked in partnership with other organizations to lobby for the finalization and enactment of the Disaster Risk Management (DRM) Bill. They engaged and lobbied with key government entities, including the Department of Disaster Management Affairs and the Ministry of Justice, to push for the completion of the DRM Act. Additionally, Habitat for Humanity Malawi collaborated with the Parliamentary Committee to facilitate the Act's enactment in Parliament.

When Habitat for Humanity Malawi engaged the Department of Disaster Management Affairs (DoDMA) and the Ministry of Justice on the progress of the bill, they were assured that the bill would be tabled in the 49th Session of Parliament, which commenced on 14th November and was prorogued to 18th December 2022. In a review of the order paper for the 49th Session of Parliament, Habitat for Humanity Malawi discovered that the Disaster Risk Management (DRM) bill was missing. To address this, Habitat for Humanity Malawi and its stakeholders attempted to engage with the Department of Disaster Management Affairs (DoDMA) and the Ministry of Justice to understand the absence of the bill. However, they received no response from these agencies.

In November 2022, Habitat for Humanity Malawi convened with other stakeholders to discuss the situation and agreed to continue lobbying for the finalization of the DRM bill.

They subsequently wrote to Parliament through the Parliamentary Committee on Natural Resources and Climate Change, requesting an opportunity for DoDMA and the Ministry of Justice to explain the progress on the bill.

As a result, the Parliamentary Committee invited DoDMA and the Ministry of Justice to a meeting in December 2022, during which the Ministry committed to prioritizing the bill and finalizing it for submission to the Cabinet Committee and Parliament. The Parliamentary Committee and civil society organizations (CSOs) also pledged to continue their advocacy efforts for the enactment of the DRM bill. These engagements with Parliamentarians were aimed at raising awareness about the importance of the DRM bill.



Figure 1: Lobby Meetings with Parliamentarians on the DRM Act

The following are the key processes taken during the advocacy for the enactment of the DRM bill.

- i. In April 2023, the Chairperson of the Parliamentary Committee on Natural Resources and Climate Change assured civil society organizations (CSOs) that they had engaged with the Leader of the House and expressed hope that the bill would be presented in Parliament during the 50th Session. This commitment was made during a petition delivered by Habitat in collaboration with Youths in Climate Change. The assurance was reported on MBC TV News on April 4, 2023.¹³
- ii. In March 2023, the President of the Republic of Malawi addressed Parliament, reassuring Malawians that the Disaster Management Bill would be tabled during the 50th Session of Parliament. The President visited some of the affected areas in person before appearing in Parliament.
- iii. On 13 April 2023, the Bill was tabled in Parliament and passed during the 50th session.¹⁴

On June 7, 2023, His Excellency Dr. Lazarus McCarthy Chakwera, the State President of Malawi, assented to the DRM bill, which was published on July 21, 2023.

¹³ <https://fb.watch/jlaaOeCTIs/?mibextid=RUbZ1f>

¹⁴ <https://fb.watch/jStZjwu3s-/?mibextid=RUbZ1f>

The Disaster Risk Management Act of 2023 in Malawi has significant implications for the country's approach to disaster preparedness, risk reduction, and response. The Act provides Malawi with a modern, comprehensive legal framework for disaster risk management and enables systematic responses to disasters, particularly in vulnerable communities where half the population lives below the poverty line.

One of the Provisions of the DRM Act provides for "Declaration of disaster-prone areas as high-risk areas for purposes of disaster risk management and the resettlement of persons occupying those areas"¹⁵. The provisions are also in line with the principles of 'building back better', which promote reconstruction using the safer housing construction guidelines which Habitat for Humanity Malawi promotes through its Disaster Risk Reduction and Response (DRRR) and Participatory Approach for Safe Shelter Awareness (PASSA) interventions. However, Habitat Malawi observed that during reconstruction, people lacked proper house designs with disaster-resilient features.

In cognizant that Malawi is a planning area, Habitat Malawi engaged the Ministry of Housing and Lands to develop disaster-resilient housing plans which can be given to people for free to use when building their houses. The designs are called Malawi Designs.¹⁶ The Malawi Designs provide more than twenty affordable, resilient housing prototypes that provide a framework for affordable and resilient housing for the rural and urban masses in Malawi. Many more partners in the housing sector were engaged. The designs have been approved and adopted by the Government and are currently being promoted in the country. The government is expected to launch the designs soon.

The change that the DRM Act brings will potentially increase access to adequate housing for people in Malawi. The Act provides a legal framework that promotes sustainable housing solutions, reducing gaps in housing needs as it tackles the challenges the evious Act could not address.

¹⁵ Disaster Risk Management Act, 2023, Part VI of the Act

¹⁶ [HFHM - MIN OF LANDS MALAWI DESIGNS -RURAL.- final.pdf](#), [HFHM - MIN OF LANDS MALAWI DESIGNS - URBAN final.pdf](#)